

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JUDITH C. LEONARD-ANDERSON,)
o/b/o JAMES LEONARD (DECEASED),)

Petitioner,)

v.)

No. 4:09CV1472 HEA-TIA

MICHAEL J. ASTRUE,)
Commissioner of Social Security,)

Respondent.)

OPINION MEMORANDUM AND ORDER

This matter is before the Court on Judith C. Leonard-Anderson's appeal from an adverse ruling of the Social Security Administration. Pursuant to 28 U.S.C. § 636(b), this Matter was referred to United States Magistrate Judge Terry Adelman, who filed his Report and Recommendation on June 4, 2010.

It is the Magistrate Judge's recommendation that Defendant's Motion to Reverse and Remand [Doc. #23] be granted and the final decision of the Commissioner denying social security benefits be reversed and this case be remanded to the Commissioner for further proceedings. More specifically, the Magistrate Judge recommended that the ALJ should properly consider the opinion of John Pearson, M.D., in accordance with 20 C.F.R. § 404.1527 and Social Security Ruling 96-2p. Furthermore, the Magistrate Judge recommends that the ALJ judge should then reevaluate Mr. Leonard's residual functional

capacity and, if necessary, obtain Vocational Expert testimony consistent with Social Security Ruling 85-15.

The parties were advised that they had fourteen (14) days to file written objections to the Report and Recommendation. Neither party has filed an objection.

After careful consideration of the Report and Recommendation,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge is **SUSTAINED, ADOPTED and INCORPORATED HEREIN.**

IT IS FURTHER ORDERED that Defendant's Motion to Reverse and Remand [Doc. #23] be **GRANTED.**

IT IS FURTHER ORDERED that, pursuant to sentence four of 42 U.S.C. § 405(g), the final decision of the Commissioner denying social security benefits be **REVERSED** and this case be **REMANDED** to the Commissioner for further proceedings.

A separate Judgment shall be entered with this Memorandum and Order.

Dated this 23rd day of June, 2010.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE